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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,958	09/08/2003	Roy Richardson	1284-R-02	3044

7590 03/02/2006

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EXAMINER

ALI, MOHAMMAD M

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,958	Applicant(s) RICHARDSON ET AL.	
	Examiner Mohammad M. Ali	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5—7, 10, 12-13, 15-18, 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by HAIMN (JP 2002048356 A). HAIMN discloses a portable outdoor cooler comprising a tent 32 with frame for mounting an evaporator/condensator 1; a frame second portion for/case 12 for mounting a compressor 14; and a frame intermediate portion connecting the frame first portion to the frame second portion; the frame intermediate portion forming a conduit 10/11 between the frame first portion and the frame second portion; the conduit providing access for connection between the evaporator coil 1 and the compressor 14; the frame intermediate portion adapted to receive a seal (both the tent perimeter and the connection pipes 10/11 touching the ground surface and thus sealing the spot through the pipes enter the tent 32), the cooling apparatus 12 includes a carrier handle 22, the evaporator/condensator has got two projection on its top to prevent the tent 32 from touching the evaporator (see Fig. 6), the evaporator is provided with two fans 4 , the fans 4 are provided with fan casing for deflecting and guiding the air, goods like drinks 29 with case can be cooled in the tent, a control/switch19/20, as seen in Fig. 6 frame intermediate portion 10/11 (pipes has plurality of sloped portion and plurality of leveled portion.. HAIMN also teach a plant growth space. See Fig.1-6 and the translation (enclosed).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, 14, 19 and 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAIMN in view of King et al., (4,485,633). HAIMN discloses the invention substantially as claimed as stated above. However, HAIMN does not disclose sensor and caster. HAIMN discloses sensor for a compartment to sense the temperature of the compartment and a sensor for a product to sense the temperature of the product in a refrigeration system for the purpose of controlling the product and compartment temperature. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable outdoor cooler of HAIMN in view of King et al., such that sensor could be provided in order to control the temperature of product and the cooling compartment. Regarding caster, it is stated that caster for portable cooling unit with compressor is well known in the art. Regarding claims 19 and 29 though, intermediate frame portion 10/11 does not have bevel portion yet there is no problem for sealing substantially by laying the tent bottom over the conduits 10/11 on the

surface and there is no problem for quick connection as there are quick connectors as described in the translation.

Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAIMN in view of Hiroshi (JP 5-252855 J). HAIMN discloses the invention substantially as claimed as stated above. However, HAIMN does not disclose fumigation. Hiroshi teaches the use of fumigating warehouse containing fruit container for the purpose of fumigating the fruits, vegetables etc. See Fig.1 and the enclosed translated abstract. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable refrigerator of HAIMN in view of Hiroshi such that fumigation could be provided in order to fumigate the product.


Response to Arguments

Applicant's arguments see remarks pages 8-11, filed 01/06/05, with respect to the rejection(s) of claim(s) 1-23 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MOHAMMAD M. ALI
PRIMARY EXAMINER